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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,116	02/13/2006	Gottfried Rieger	2003P13100WOUS	5505
22116 7590 09/08/2008 SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830				
EXAMINER JAKOVAC, RYAN J				
ART UNIT		PAPER NUMBER		
2145				
MAIL DATE		DELIVERY MODE		
09/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,116

Applicant(s)

RIEGER ET AL.

Examiner

RYAN J. JAKOVAC

Art Unit

2145

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/19/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 11, 13 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 13, and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed 07/25/2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10, 11, 13, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,788,80 to Johnson in view of US 6,377,993 to Brandt.

Regarding claim 10, Johnson teaches a Human-Machine-Interface (HMI) system, comprising: at least one mobile operating and monitoring device for controlling automation components of a technical installation (Column 1 lines 21-45 generally teach control systems.

Specifically lines 33-36 teach "In other control systems, such apparatus monitor the device, process or system and display alarms or other indicia of its characteristics, leaving responsibility for adjustment to the operator."); a radio link for wireless data transmission between the mobile operating and monitoring device and an automation component with a radio access point (Column 6 lines 4-7 teach "Apparatus 40-44 can couple with the control network directly, e.g., via bus or network connection, or indirectly, e.g., via satellite, wireless connection or modem connection."). Johnson does not expressly disclose a first firewall in the mobile operating and monitoring device for securing the radio based data transmission from the automation component with the radio access point to the mobile operating and monitoring device; and a second firewall in the automation component with the radio access point for securing the radio based data transmission from the mobile operating and monitoring device to the automation component with the radio access point, however, Brandt discloses a first firewall in the mobile operating and monitoring device for securing the radio based data transmission from the automation component with the radio access point to the mobile operating and monitoring device; and a second firewall in the automation component with the radio access point for securing the radio based data transmission from the mobile operating and monitoring device to the automation component with the radio access point (Brandt, col. 11, line 15 to col. 13, line 5, Brandt discloses a system which route data from a browser behind a first firewall to internal application servers (i.e. from the automation component with the radio access point to the mobile operating and monitoring device) and a second firewall that routes data from internal application servers to the web browser (i.e. from the mobile operating and monitoring device to the automation component with the radio access point)).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine a first firewall in the mobile operating and monitoring device for securing the radio based data transmission from the automation component with the radio access point to the mobile operating and monitoring device; and a second firewall in the automation component with the radio access point for securing the radio based data transmission from the mobile operating and monitoring device to the automation component with the radio access point as taught by Brandt with the system of Johnson in order to provide the security benefit of protecting user data (Brandt, col. 11, line 14-36.)

Regarding claim 11, the combination of Johnson and Brandt teaches the HMI system in accordance with claim 10, wherein the first and second firewalls include essentially the same security procedures (Brandt, col. 11, line 15 to col. 13, line 5, the firewalls perform routing and filtering functions for data connections.).

Regarding claim 13, the combination of Johnson and Brandt teaches the HMI system in accordance with claim 10, wherein the mobile operating and monitoring device is encapsulated (Johnson, col. 5, line 63 to col. 6, line 7, laptop or handheld computer.).

Regarding claim 16, the combination of Johnson and Brandt teaches the HMI system in accordance with claim 10, wherein the automation components are connected by a field bus, wherein the automation component with the radio access point is connected to the field bus (Johnson, col. 2, lines 15-27, "The field devices, controllers, workstations and other components

that make up a process control system typically communicate over heterogeneous media. Field devices connect with controllers, for example, over dedicated "fieldbuses" operating under proprietary or industry-specific protocols.").

Regarding claim 17, 18, the combination of Johnson and Brandt teaches the HMI system in accordance with claim 10, wherein the automation components include a radius server (Johnson, col. 11, line 26-37, server 47, "Inter-system access is provided by a gateway device, such as server 47, that permits the secure transfer of data." See also, fig. 1.)

Response to Arguments

4. Applicant's arguments filed 07/25/2008 have been fully considered but they are not persuasive. Applicant argues that the combination of Johnson and Brandt does not teach applicant's claim 10 because Brandt does not disclose data transmission in two directions. The examiner respectfully disagrees. Brandt, in at least col. 11, line 15 to col. 13, line 5, discloses a system which routes data from a browser behind a firewall to an internal system behind another firewall and vice versa. A system is described in which a user at a browser submits data through a first firewall for communication with internal applications servers located behind a second firewall. Brandt further describes this two way communication path in col. 8, line 45 to col. 9, line 60 which discloses that a "cookie", which is a unique server-generated key that is sent to the client along with each reply to a HTTPS request, is generated by an internal application server in response to a request from a browser. See also Brandt, fig. 3 and fig. 6.

5. Applicant's arguments towards the combination of Johnson and Brandt are foreclosed by KSR v. Teleflex, 550 U.S. ___, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007) as described above.

Conclusion

6. This is a request for continued examination of applicant's earlier Application No. 10/568116. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145